

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 3

January 28, 2004

SUBJECT: GUIDELINES FOR THE CAL/GANG SYSTEM AND GANG FILE - REVISED

PURPOSE: Special Order No. 11, 2000, *Activation of the CAL/GANG System and Gang File Guidelines*, established the CAL/GANG System as the Department's only authorized database on gang members. Since then, the Department has identified the need to refine the procedures for collecting and maintaining gang-related information in order to conform to State standards.

This Order revises the criteria for documenting gang-related information, activates the CAL/GANG Card, deactivates the Gang File Card and broadens security requirements for CAL/GANG files and photographs.

PROCEDURE:

I. CAL/GANG CARD, Form 12.16.9 - ACTIVATED. The CAL/GANG Card, Form 12.16.9 is activated and replaces the Subject Identification Card, Form 12.16.4.

A. Use of Form. This form is used to document information related to known or suspected gang members.

B. Completion. Completion of this form is self-explanatory and shall be completed by:

- * Gang Detail officers; and,
- * Gang Detail supervisors, who shall sign and include his/her serial number.

C. Distribution.

1 - Original, placed into the Department hard-copy gang file.

1 - TOTAL

II. GANG FILE CARDS - DEACTIVATED. The following gang cards (hard-copy files) are deactivated:

- * Gang Activities File Card, Form 12.16.0;
- * Gang Vehicle File Card, Form 12.16.1;

- * Gang Tattoo File Card, Form 12.16.2;
- * Gang Moniker File Card, Form 12.16.3; and,
- * Gang Subject Identification Card (I-Card), Form 12.16.4.

III. DEFINITIONS.

A. Gang. A group of three or more persons who have a common identifying sign, symbol, or name, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal activity creating an atmosphere of fear and intimidation within the community.

Note: Any group, including outlaw motorcycle gangs, prison gangs, posses, taggers, party crews, subversive groups and their associated membership that qualify under the definition of a gang may be maintained in the CAL/GANG System.

B. Gang Member. A juvenile or adult who has been positively identified and documented as a gang member under the California Department of Justice's (DOJ) approved criteria.

C. Affiliate Gang Member. A juvenile or adult who is identified by a gang officer as one who associates with a gang, but is not necessarily a full member.

D. Gang Officer. Any officer or detective assigned to a Department-authorized gang investigative unit including, but not limited to, Area Gang Impact Team (GIT), and Special Operations Support Division (SOSD).

E. Gang-Related Crime. Any crime may constitute a gang-related crime when the suspect or victim is an active or affiliate gang member, or when circumstances indicate that the crime is consistent with gang activity.

Note: Crime consistent with gang activity can include, but is not limited to, incidents when:

- * The suspect or victim has a gang tattoo(s);
- * The suspect or victim has a gang moniker;

- * A statement indicating gang involvement was made;
- * The suspect or victim demonstrated gang behavior;
or,
- * Multiple suspects and gang Modus Operandi (MO) were involved.

The Area GIT Officer in Charge shall approve the gang-related crime classification. In the rare circumstance when the classification cannot be determined at the Area level, the Bureau Gang Coordinator shall make the determination. When the Bureau Gang Coordinator cannot determine the classification, the Commanding Officer, SOSD, shall make the final determination.

F. Gang-Related Statistical Crimes. When the following violent crimes are determined to be gang-related, they shall be monitored statistically by the Department to assess the level of gang crime in an Area. The statistically monitored gang-related crimes are:

- * Murder;
- * Attempt Murder;
- * Felony Assault;
- * Assault on a Police Officer (includes Battery, Assault with a Deadly Weapon and Attempt Murder on a Police Officer);
- * Robbery;
- * Shots Fired into an Inhabited Dwelling;
- * Kidnap;
- * Rape;
- * Arson;
- * Witness Intimidation (includes Criminal Threats);
- * Extortion;
- * Carjacking; and,
- * Gang-Related Narcotics Violations (Felony Health and Safety Code Sections 11350, 11351, 11352, 11357(a), 11358, 11359, 11360, 11370.1, 11377, 11378, and 11379).

G. Hard-Copy File. The CAL/GANG Card shall be the only Department-authorized hard-copy file that contains detailed information on gang members. The hard-copies shall be maintained and secured by the originating gang investigation unit.

Note: All completed Gang Subject I-Cards, Form 12.16.4, existing prior to the issuance of the CAL/GANG Card shall be retained and secured as the source document. Updating the I-Card is no longer required.

IV. CRITERIA FOR GANG MEMBER DOCUMENTATION. The following criteria have been established by the CAL/GANG Executive Board that oversees the operation of the CAL/GANG System State-wide, for identifying individuals as gang members or gang affiliates.

A. Gang Membership Criteria. Indicators of gang membership shall include at least two of the following criteria:

- * Individual admits to being a gang member in a non-custodial situation;
- * Individual has been identified as a gang member by a reliable informant or source. This includes the required registration by court order as described in Penal Code Section 186.30;
- * Individual has been identified as a gang member by an untested informant or source with corroboration;
- * Individual is wearing gang attire;
- * Individual has been seen displaying gang hand signs or symbols;
- * Individual has gang tattoos;
- * Individual frequents gang areas;
- * Individual openly associates with documented gang members; or,
- * Individual has been arrested, alone or with known gang members, for a crime consistent with usual gang activity.

When two or more of these criteria are met, a CAL/GANG Card shall be completed by a gang officer for entry into the CAL/GANG System. CAL/GANG Cards shall not be made for individuals that do not meet the criteria.

B. Gang Affiliate Criteria. An individual who meets only one of the above criteria and is linked with a documented gang member, may be designated as a gang affiliate and entered into the CAL/GANG System. The gang officer shall document the name of the documented gang member with whom the affiliate is associating,

the gang member's date of birth, and his/her CAL/GANG number on the affiliate's CAL/GANG Card.

V. AREA CRIME ANALYSIS DETAIL'S RESPONSIBILITY. The accuracy of the CAL/GANG System is based entirely on the accuracy and timeliness of the information entered into it. The Area Crime Analysis Detail (CAD) shall:

- * Input and update records in the CAL/GANG System;
- * Assist gang officers by providing gang-related investigative leads;
- * Compile and interpret gang-related information searches; and,
- * Compile the monthly Area gang crime statistics and make appropriate entries into the CAL/GANG Case Management System.

VI. CONTACTS WITH GANG MEMBERS.

A. Investigations and Arrests. When the arrest or preliminary investigation reveals that the crime is gang-related, the reporting officer shall check the "**Extra Copy**" box on the front of the arrest report or Preliminary Investigation Report (PIR), Form 3.01, indicating copies be sent to the appropriate Area Gang Detectives. The reporting officer shall ensure that the narrative fully explains the rationale for determining that the arrest or investigation is gang-related.

Note: Suspected gang membership information may also be further investigated by contacting the Area GIT or Bureau Gang Coordinator.

B. Field Identification. Officers who contact a suspected active or affiliate gang member and determine that the completion of a Field Identification Report (FI Card), Form 15.43, is appropriate, shall document the following additional information on the FI Card:

- * How gang membership was established (e.g., admits gang membership, tattoos, attire, etc.);
- * The specific type of gang activity involved; and,
- * The words "**GANG MEMBER**" or "**GANG AFFILIATE**" in the narrative portion of the FI card, depending upon the criteria documented by the officer.

Upon supervisory review and approval of the FI Card containing gang-related information, it shall be routed to the Area GIT where the FI Card was completed for review and verification. Only a GIT officer shall complete a CAL/GANG Card if the criteria for a gang member or gang affiliate has been met.

After completing the CAL/GANG Card or if a card already exists, the Area CAD shall enter the new information into the CAL/GANG System within **three working days**. The FI Card shall then be routed through the Area Records Unit for normal processing.

Note: Gang officers and other personnel who have completed the required CAL/GANG training may also input and update information into the CAL/GANG System.

VII. MAINTAINING DEPARTMENT GANG FILES. Any non-CAL/GANG System or gang database is not authorized and shall not be maintained by any individual or Department entity. Private or localized gang databases lack security controls and audit capability required for an intelligence database. As a result, their confidentiality and reliability is severely jeopardized.

A. Hard-Copy Files. Hard-copy files refer to the completed CAL/GANG Cards, the Gang History Books and the Gang Photograph Books. These files contain information on street gangs, their members and affiliates who are, have been, or are likely to be involved in criminal activity and shall only be maintained by Department-authorized gang investigative units.

Hard-copy files shall remain secured and locked at all times. However, these files shall have 24-hour accessibility through the Area watch commander for emergency usage.

The Department original hard-copy CAL/GANG Cards on outlaw motorcycle gangs and prison gangs shall only be maintained by SOSD, Gang Support Section (GSS).

Note: Street Terrorism Enforcement and Prevention (STEP) books are not considered intelligence files.

B. CAL/GANG Card Completion. Hard-copy CAL/GANG Cards shall be completed on all gang members and gang affiliates. The purpose for completing a CAL/GANG Card is to document the original source for entry into the CAL/GANG System.

The completed CAL/GANG Card shall contain at least the following information:

- * Complete name;
- * Moniker;
- * Date of birth;
- * Identifying number(s);
- * Juvenile/Parent notification;
- * CAL/GANG number;
- * Criteria rationale, circumstances and date documented;
- * Name and serial number of officer obtaining information;
- * Individual's photograph (if available);
- * Complete name of gang or group; and,
- * Approving gang detail supervisor signature.

This information and all future updates shall be entered into the CAL/GANG System within **three working days**.

Note: As much information as possible should be placed on the CAL/GANG Card. Once a CAL/GANG Card has been completed with at least the above information, all future contacts or information shall be documented on an FI Card and input into the CAL/GANG System. Updating the CAL/GANG Card for members and affiliates is no longer required.

C. Hard-Copy File Organization. The Department hard-copy files shall be organized as follows:

- * The CAL/GANG Cards may include a copy of a current photograph of the gang member/affiliate. In addition to the existing I-Card, this file shall also be considered the source document for the CAL/GANG System and be arranged by gang name. All CAL/GANG Cards with a CAL/GANG number shall remain in file regardless of status; and,

- * Cards of inactive and deceased individuals without a CAL/GANG number shall be removed from the files and destroyed.

VIII. CAL/GANG SYSTEM AND GANG FILE SECURITY. The purpose of the entire CAL/GANG System is to provide Department personnel with an investigative tool for conducting investigations, which may involve gang members or affiliates.

A. Confidentiality. All Department personnel are reminded that it is not a crime in and of itself to be a gang member. It is incumbent upon the Department to protect the confidentiality of the CAL/GANG System and the Department gang files, and to safeguard the Constitutional rights of those identified. As a result, access is restricted to gang officers or personnel who have met the "need to know, right to know" criteria.

B. Retrieval of System Files and Photocopies.

Authorization to print from the CAL/GANG System shall only be obtained from the Commanding Officer, SOSD. If approval is obtained, these printouts shall not be copied, faxed, or mailed without approval of the Commanding Officer, SOSD. Any printouts or copies from the CAL/GANG System or hard-copy files **shall not** be used as addenda for reports (e.g., search warrants, arrest warrants, or gang injunctions, etc.). They shall not be placed in personal ready reference files, investigative notebooks, case packages or homicide books.

At the culmination of an investigation, the investigating entity shall forward any CAL/GANG printouts to SOSD for proper filing or destruction.

Printouts from the CAL/GANG System or hard-copy file(s) photocopies, facsimiles (faxes), or any form of reproductions thereof shall not be taken out of the gang investigation entity's office without prior approval of the Commanding Officer, SOSD.

C. Off-Hour and Emergency Access. Murders, assaults on police officers, and high-profile crimes may occur at anytime and may require access to the CAL/GANG System

to ensure timely information is available to the investigating officer (I/O).

- 1. Access.** Accessing the CAL/GANG System requires proper training and a password. Under emergency situations, when personnel trained to access the CAL/GANG System are not available, the I/O shall telephonically request assistance by contacting the person named in the SOSD/GSS notification roster. This roster is maintained by the Department Command Post, Communications Division.
- 2. Printing.** If the I/O determines that CAL/GANG information needs to be printed, the I/O shall follow the above procedure for approval and its use.

The I/O shall be guided by the directions of the Commanding Officer, SOSD, for proper disposition of the printed information.

D. Discovery Motions and Court Requests for Records. The Commanding Officer, SOSD, is the Department Custodian of Records for the CAL/GANG System and for all hard-copy gang files throughout the Department.

The Commanding Officer, SOSD, shall be notified of all legal requests pertaining to information or records from the CAL/GANG System and/or any hard-copy gang files. Gang investigation units shall follow the direction of the Commanding Officer, SOSD, in handling legal requests for gang information. These units shall receive prior approval from the Commanding Officer, SOSD, before releasing any information.

IX. PHOTOGRAPHING KNOWN OR SUSPECTED GANG MEMBERS. Only gang officers and gang detectives are authorized to take non-booking identification photographs of active and affiliate gang members.

A. Field Photographs of Suspected Gang Members. Gang officers and gang detectives shall adhere to the following guidelines when photographing a suspected gang member or gang affiliate:

- * Officers shall not use physical force or any other form of coercion in acquiring a photograph;
- * Officers shall request and receive permission from the individual prior to taking a photograph when that person is not being arrested or otherwise legally detained;
- * Officers shall not pose the individual with name or gang identification cards;
- * Individuals photographed shall be unrestrained and on public property;
- * Officers shall conduct the photographing process contemporaneously with the completion of the FI Card;
- * Photographing may not extend the time necessary to complete the interview process; and,
- * A full explanation shall be provided to the suspect as to the purpose of the photograph.

B. Security of Gang Member/Affiliate Photographs. Gang Photo Books shall only be maintained by gang units and shall be secured at all times. Gang Photo Books are an important tool in the investigation of gang-related crimes and differ from regular photo or mug books in that they are assembled by gang and not by criminal offense. The Gang Photo Books are considered part of the Department's hard-copy gang files. Gang officers shall follow the same security measures with respect to protecting gang member and affiliate photos as exercised for the CAL/GANG System and the hard-copy files. Gang Photo Books shall only be taken into the field with the approval of a GIT supervisor or the Area watch commander and the Document Sign Out Log, Form 15.31.0, shall be utilized.

Note: An automated database is permitted to be used as an index for the Gang Photo Books, consisting only of the gang member/affiliate(s) name, CAL/GANG number, moniker and Gang Photo Book page number. If an automated database is used, a copy of the printed index shall be attached to the index portion of the Gang Photo Book. All prior printing conditions apply if this index is printed out.

C. Photographic Line-Up Procedures. The CAL/GANG System has the capability of producing a photographic line-up for investigative purposes. Photographs shall not

have the name of the gang member on the photo. Photographs may be copied for photo books.

When CAL/GANG generated photo line-ups are not available, the I/O shall use the Department's existing established photo line-up procedures when selecting photos.

X. NOTIFICATION TO PARENT OR GUARDIAN OF JUVENILES. Gang officers shall attempt to notify a juvenile's parent or guardian in person when a juvenile is to be added to the Department's gang files. When an in-person or telephonic notification to the parents or guardian is not possible, (e.g., conflicting work schedules, residence outside of the City, etc.), the investigating GIT OIC shall cause a letter to be mailed to the parents or guardian, utilizing the Gang Affiliation Letter, Form 12.16.5, or the Gang Affiliation Letter (Spanish Version), Form 12.16.6. The manner of notification (in-person, telephonic, letter, etc.), date, and officer making the notification shall be indicated on the CAL/GANG Card.

Exception: When parental notification may jeopardize an active criminal investigation, such notification may be delayed. However, once the investigation is no longer jeopardized, the gang investigation unit OIC shall cause the parent or guardian to be advised telephonically, by mail, or in person of the date, time, and circumstances under which the juvenile's name was entered into the Department's gang files.

XI. AUDITS AND PURGING OF CAL/GANG RECORDS. Routine and thorough audits and purging of outdated CAL/GANG records enhances the credibility and reliability of both the CAL/GANG System and the hard-copy files.

A. Audits. Audits of all gang investigation unit's hard-copy files shall be conducted every January by the gang unit's commanding officer. Bureau audits of Area hard-copy gang files shall be conducted every July by the Bureau Gang Coordinator. The findings of these audits shall be reported in writing to the Commanding Officer, SOSD.

B. Purging. The CAL/GANG System will automatically alert the Department when an individual's database file has

had no criteria added for the preceding five-year period. In such cases, the individual's database file shall be purged from the CAL/GANG System. Only trained Department personnel assigned to SOSD/GSS, may purge those individual database files from the system. The CAL/GANG Card whose information has been purged from the CAL/GANG System due to inactivity shall remain in the hard-copy files unaltered. The deceased status of gang members and gang affiliates shall be entered into the CAL/GANG System as that information becomes available to the Area CAD. Incarcerated gang members/affiliates shall remain in the CAL/GANG System for a maximum period of five years unless the database file is updated to extend their active status. The CAL/GANG Cards shall remain in file indefinitely.

FORM AVAILABILITY: The CAL/GANG Card, Form 12.16.9, will be available for ordering from General Services, Distribution Center in about 30 days. Until the new form is available, the current form shall be utilized. A copy of the form is attached for reference. The previous unused versions of these forms shall be marked "**Obsolete**" and placed in the divisional recycling bin.

AMENDMENTS: This Order adds Section 5/12.16.9, amends Sections 2/643.01, 2/643.40, 2/643.41, 2/643.43, 2/711, 2/711.01, 2/711.05, 2/725.09, 4/269.10, 4/269.20, 4/269.30, 4/269.40, 4/269.50, 4/269.60, 4/269.70, 4/269.80, and deletes Sections 5/12.16.0, 5/12.16.1, 5/12.16.2, 5/12.16.3, 5/12.16.4 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Special Operations Support Division, shall monitor compliance with this Order in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "A"